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November 10, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Via Hand Delivery

**Re: Notice of *Ex Parte* Communications, Revision of the Commission's Rules
to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,
CC Docket No. 94-102**

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, notice is hereby given to an *ex parte* presentation regarding the above-captioned proceeding. On Wednesday, November 10, 1999, Dan Foley and Susan Wichmann of SBC Wireless and I held a meeting with Peter Tenhula of Commissioner Powell's office. The purpose of the meeting was to discuss cost recovery for E911 implementation. The attached material contains information discussed during the meeting.

In accordance with the Commission's rules, two copies of this letter are being provided for inclusion in the Commission's docket file. If you have any question or need any additional information, please feel free to call me at the number listed above.

Respectfully submitted,



Christopher E. Guttman-McCabe

Attachments

cc: Peter Tenhula

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COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

HARRY J. FARRISH
3838 BOND COURT
MANASSAS, VIRGINIA 20108-4327

FIFTIETH DISTRICT

COMMITTEE ASSIGNMENTS:
FINANCE (CO-CHAIR)
CORPORATION, INSURANCE AND BANK
CONSERVATION AND NATURAL RESOURC
LABOR AND COMMERCE
RULES

November 9, 1999

Mr. William E. Kennard, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

I have recently been informed by my contacts in the public safety and wireless provider communities that the FCC is considering removing the cost recovery requirement from your wireless E911 rules (Docket 94-102). I urge you not to do so.

Virginia has worked hard to implement them. The cost recovery portion was the basis for an alliance between the public safety community and the commercial mobile radio service (CMRS) providers. Virginia enacted legislation imposing a flat fee on all users of CMRS. Because it was competitively neutral and was dedicated to a specific purpose, the assessment was viewed more as a "user fee" than as a tax. It received broad support. Because the revenue was shared by the public safety answering points (PSAPs) and the CMRS community and was contingent upon deploying wireless E911, all parties were motivated to move quickly.

Virginia's legislation formed a state board, which has already approved PSAP and carrier cost recovery requests. The board had many issues to work through, including determining how claims would be made against the fund and the direct and reasonable E911 costs for both PSAPs and CMRS providers. I understand that some individuals think that Phase I of E911 would have been deployed sooner if the FCC had not required cost recovery for CMRS providers. However, because of the complexity of the issues facing Virginia just on the PSAP side, I do not believe that we would be ready to deploy 22 PSAPs this spring if we had not looked at a statewide solution that addresses the cost recovery requirement.

If the requirement for cost recovery is rescinded, our entire structure will be in jeopardy. The political pressure will be to rescind the existing cost recovery mechanism as part of a tax reduction package, leaving it to the local jurisdictions to fund E911 themselves. This will make it difficult for rural PSAPs, arguably those with the greatest need to raise the funds to staff and

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Mr. William E. Kennard
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receive wireless E911 calls. The state board would no longer be able to use the cost recovery "carrot" to draw PSAPs and the CMRS providers to the table to achieve compromise and consensus. A promising opportunity will have been lost.

We in Virginia have made a good faith effort to follow the guidelines set forth by the FCC. I know that many other states are considering legislation similar to ours. I urge you not to undo our efforts before you give them a chance to work.

If I may provide further insight into this issue, please do not hesitate to contact me at my legislative office at (703) 367-0505.

Sincerely,



Harry A. Parrish
50th House District

cc: Commissioner Susan Ness
Commissioner Harold W. Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Thomas J. Sugrue, Wireless Telecommunications Bureau Chief
David Clarke, Mezzullo & McCandlish